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Report of the Secretary-General concerning the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1339 (2001) of 31 January 2001, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2001 and requested me to report three months from the date of the adoption of the resolution. The present report provides an update on the situation in Abkhazia, Georgia, since my report of 18 January 2001 (S/2001/59).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in this task by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG, as at 1 April 2001, stood at 103 military observers (see annex).

II. Political aspects

3. Within the proven framework of the Geneva peace process and its mechanisms, my Special Representative, in cooperation with the Russian Federation as facilitator, the members of the group of Friends of the Secretary-General for Georgia and the Organization for Security and Cooperation in Europe (OSCE), continued to work, together with the Georgian and Abkhaz sides, to address all issues of the settlement process. Efforts focused in particular on making progress concerning the security situation, the return of refugees and internally displaced persons, and confidence-building.

4. No progress was achieved on the fundamental issue of the future political status of Abkhazia within the State of Georgia, and it was not possible to reach full agreement among the five members of the group of Friends on the draft paper concerning the distribution of competences between Tbilisi and Sukhumi. Such consensus is a prerequisite for presenting the text to the two sides as a basis for negotiations. Meanwhile, in a letter dated 12 March 2001 addressed to me, the Abkhaz leader, Vladislav Ardzinba, repeated his rejection of any discussion on the basis of an eventual draft paper on the status question.

5. Nevertheless, key aspects of the status question were addressed frankly and constructively during a seminar held at Pitsunda, Georgia, on 12 and 13 February 2001, organized by the Council of Europe and co-chaired by my Special Representative. The seminar, on State-legal aspects of the settlement of the conflict, gave the Georgian and Abkhaz sides the opportunity to argue their positions on issues including statehood and self-determination, in the presence of international legal experts. Although the tone of the discussion was often acrimonious, the meeting helped the sides to understand each others' views better, and to consider them within the framework of prevailing international legal doctrine and practice.

6. The third meeting of the Georgian and Abkhaz sides on confidence-building measures, held at Yalta on 15 and 16 March at the invitation of the Government of Ukraine, was the main political event during the reporting period. Good faith implementation by the two sides of the obligations they undertook in the final documents of the meeting (see S/2001/242) would mark a qualitatively new stage in the confidence-building component of the peace process, and should give a strong impetus to the overall settlement effort. In the signed Yalta statement, the sides reaffirmed the

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pledge they made in the Moscow Agreement of 14 May 1994 and the concluding statements of the first and second Geneva meetings, concerning the non-use of force. In the same document, they restated, after a long silence on the matter, their commitment to creating the necessary conditions for the safe and voluntary return of refugees and internally displaced persons, first of all to the Gali district within its old borders. These steps should be seen as an encouraging demonstration of the political will of both sides to remain engaged and to seek solutions to their common problems.

7. Also at the Yalta meeting, the sides agreed on a Programme of Action, including a list of 15 confidence-building measures in various fields. In the Programme, the sides expressed their commitment to confidence-building as a key component of the overall peace process, and they established mechanisms to support timely implementation of the measures agreed, including reporting channels and a database.

8. The Coordinating Council, under the chairmanship of my Special Representative, continued to address key issues of the peace process. The twelfth session of the Council was held on 23 January 2001 at Sukhumi. Meanwhile, the sides continue to use Working Groups I and III of the Council to expand their direct bilateral contacts on security and economic issues, respectively. Efforts are also under way, with support from the Office of the United Nations High Commissioner for Refugees (UNHCR), to revive Working Group II, on refugees and internally displaced persons. In April, however, owing to a serious deterioration in the relations between the parties (see paras. 20 and 21 below), the Abkhaz side withdrew its agreement to participate in the session of the Coordinating Council that had been scheduled for this month.

9. On 10 March 2001, the Abkhaz de facto authorities held "local elections" which my Special Representative, in a public statement, characterized as unacceptable and illegitimate. Similar statements were issued by OSCE, the Council of Europe, the European Union and the Ministry for Foreign Affairs of the Russian Federation.

10. During the reporting period, there was an exchange of letters between UNOMIG and the Abkhaz side concerning the Mission's protest about the violation of its freedom of movement in November 2000. On that occasion, the Abkhaz side prohibited overflight of Abkhaz-controlled territory by United Nations aircraft (see S/2001/59, para. 15). The matter is still in the process of clarification.

III. Operations of the United Nations Observer Mission in Georgia

11. The Mission continues to perform its mandate by conducting daily ground patrols from mission headquarters at Sukhumi and the two sector headquarters at Gali and Zugdidi, as well as through regular helicopter patrols.

12. Following the three-day abduction of two UNOMIG military observers in December 2000 in the Kodori Valley (see S/2001/59, para. 17), patrolling in the valley was suspended. In subsequent consultations with the Georgian authorities, my Special Representative obtained adequate security assurances for patrolling in the upper part of the valley, which is under Georgian control. On the basis of those assurances, and under revised UNOMIG security regulations, the Chief Military Observer decided to resume helicopter patrolling in both parts of the valley on 13 April 2001. UNOMIG is also ready to resume ground patrols in the lower part of the Kodori Valley, in cooperation with the peacekeeping force of the Commonwealth of Independent States (CIS).

13. Following the session of Working Group I of the Coordinating Council dealing with security matters, held in December 2000 (see S/2001/59, para. 11), discussions continued on measures to increase the efficiency of the work of the Joint Fact-finding Group and practical mechanisms for translating the commitment to the non-use of force by the two sides into reality on the ground.

14. The Joint Fact-finding Group intensified its efforts to investigate violations of the Moscow Agreement. At the Group's meetings, both sides continued to raise, in addition to politically motivated incidents, various law enforcement issues. However, despite some discussion of the matter, no agreement has been reached so far on proposals aimed at creating a mechanism to help the Group to realize more fully its potential in that area.

15. From 20 to 23 March 2001, Major General Timothy Ford, Military Adviser in the Department of Peacekeeping Operations, visited UNOMIG to review

the work of the military component of the Mission. Major General Ford, together with the Chief Military Observer, met with the leadership of the Georgian and Abkhaz sides and with the Commander of the CIS peacekeeping force. He also visited all four UNOMIG duty stations, Tbilisi, Sukhumi, Gali and Zugdidi, and participated in a ground patrol in the Gali district.

IV. Situation on the ground

16. The overall situation in the conflict zone, in particular in the Gali region, remained volatile. During the reporting period there were 45 shooting incidents, 12 killings, 9 abductions, 8 mine blasts, and 40 robberies. None of these incidents, however, directly targeted UNOMIG personnel.

17. Early in January, three Abkhaz militiamen and one Georgian were killed in an ambush in the Gali region. Later in the same month, a fuel truck was ambushed on the Abkhaz-controlled side of the ceasefire line near the Inguri River bridge; one person was killed and one wounded, and the truck was destroyed. The following day, also near the bridge but on the Georgian-controlled side, a civilian vehicle was hit and three persons seriously injured by an anti-tank missile fired from the Abkhaz-controlled side. On 31 January, an armoured personnel carrier of the CIS peacekeeping force was damaged by explosives and a truck of the force exploded when it drove over a remote-controlled mine; two CIS soldiers were injured. In the following days, CIS peacekeeping force checkpoints on the Abkhaz-controlled side came under automatic weapons fire. UNOMIG responded to these incidents by increasing its patrolling and by trying to defuse tensions through the use of its Joint Fact-finding Group and the regular weekly quadripartite meetings which bring together the two sides, UNOMIG and the CIS peacekeeping force.

18. While February was relatively quiet, in March there were incidents of recently laid mines, as well as two bomb attacks on the day of the "elections" in the Gali district. Later in the month, a civilian died and two were wounded in further mine incidents and sporadic shooting incidents were reported over several days on the ceasefire line.

19. At the beginning of April, five children were injured in a mine incident in the Gali district along the ceasefire line. On 20 April, a CIS peacekeeping force vehicle carrying cash was ambushed north of Gudauta, resulting in serious injuries to officers of the force. On the same day, HALO Trust, a United Kingdom-based demining non-governmental organization, dismantled an anti-tank mine on the beach about 400 metres from UNOMIG headquarters in Sukhumi.

20. An ambush on 7 April 2001 on the main road north of Gali town, in which two local residents were killed, triggered a major deterioration of the general situation. The following day, Abkhaz security organs launched an operation to apprehend the alleged perpetrators, a group of armed Georgians who had taken refuge in a nearby village. A firefight ensued and two of the Georgians were killed and three taken into custody by the Abkhaz. The Abkhaz side reported that they had recovered arms and ammunition from the group, including armour-piercing small arms ammunition. The three captured individuals remain in detention in Sukhumi. On 12 April, in apparent retaliation, five Abkhaz soldiers were abducted from their observation post and taken to the Zugdidi area by an illegal armed group of Georgians. They remain in the hands of that group. The following day, Abkhaz security organs seized a Georgian fishing boat carrying five fishermen; the fishermen are currently in custody in Sukhumi.

21. To prevent further escalation, on 16 April, my Special Representative convened a meeting of the two sides at the main bridge over the Inguri River. The Georgian delegation was led by the Minister for Special Affairs and the Abkhaz delegation by the de facto Minister for Foreign Affairs; they were joined by members of their respective force structures. In a signed Protocol, the sides agreed to verify the physical condition of all of those held, if possible through the involvement of international organizations; to transfer all of those held to the custody of official structures; and to hand over the bodies of those killed. Subsequently, my Special Representative continued intensive consultations with both sides, including separate meetings with the President of Georgia and the State Minister, and the Abkhaz de facto Prime Minister, to urge them to implement the Protocol as a first step towards a solution of the matter. The group of Friends issued a statement calling on the sides to resolve the issue. Since then, the Abkhaz side has reported to UNOMIG that several groups of armed persons are crossing the ceasefire line into Abkhaz-controlled

territory. The Abkhaz side has restricted the movement of local residents over the main Inguri River bridge.

V. Security situation

22. The security and safety of UNOMIG personnel continues to be a high priority for the Mission. The level of criminality in the Mission's area of responsibility remains alarmingly high and the law enforcement systems of the Abkhaz and Georgian sides are still unable to cope effectively with the problem. In view of the enhanced mine threat, UNOMIG has adopted additional security measures, including the use of heavier mine- and ballistic-protected vehicles when patrolling high-risk areas. The discovery of armour-piercing small arms ammunition at the site of the 8 April firefight suggests a new threat to UNOMIG personnel who patrol the area daily. The Chief Military Observer has taken up this issue with the two sides.

23. In February, the Chief of Security Services in Zugdidi informed UNOMIG that groups opposed to the present Government of Georgia might target Georgian Government officials in the area for abduction or hostage-taking, and that UNOMIG and non-governmental organization personnel might also be targeted. Responding to the warning, UNOMIG introduced new security regulations for its staff in the Zugdidi sector.

24. During the reporting period, internally displaced persons held two demonstrations outside the UNOMIG Zugdidi sector headquarters. The demonstrations were peaceful, but prevented any traffic to or from the headquarters. As in previous cases (see S/2001/59, para. 18) the demonstrators demanded that the Government of Georgia pay them allowances and subsidies.

VI. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

25. Cooperation between UNOMIG and the CIS peacekeeping force remains close at all levels. UNOMIG and the CIS peacekeeping force continue to exchange information regularly, particularly in the field of incident investigation. On 23 February 2001, Major General Nikolai Sidorichev replaced Lieutenant General Sergei Korobko as Commander of the CIS collective peacekeeping force.

VII. Humanitarian situation and human rights

26. During the reporting period, the humanitarian situation in Abkhazia, Georgia, remained grave. Humanitarian agencies continued to provide for the acute food and medical needs of much of the population and to conduct mine clearance and small-scale rehabilitation programmes.

27. Following consultations with my Special Representative, UNHCR resumed limited humanitarian operations in the Gali district. The scope of its work was restricted, for the time being, to the distribution of building materials, school kits and hygiene parcels to schools serving returnee children. UNOMIG supported UNHCR on security matters during this brief operation. In consultation with other agencies, UNHCR plans to deliver additional assistance packages to support community self-help projects. However, the increase in criminality and partisan activities remains a concern for spontaneous returnees and humanitarian personnel. With the imminent redeployment of international staff, UNHCR will resume limited protection monitoring activities in accessible parts of the security zone.

28. The work of international non-governmental organizations continues to be hampered by restrictions on the use of the border crossing between Abkhazia, Georgia, and the Russian Federation at the Psou River, which complicate the provision of assistance and the planning of emergency evacuations.

29. The human rights situation in Abkhazia remains precarious, particularly in the Gali district. Violations of the right to life, liberty and physical security are widespread. The killing on 15 August 2000 of Zurab Achba, a legal assistant to the United Nations human rights office in Abkhazia, Georgia, remains unresolved (see S/2000/1023, para. 25, and S/2001/59, para. 23). In these conditions, the human rights office continues its activities in various fields. The office monitors the practices of law enforcement agencies during pre-trial detention and criminal trials. It provides advisory services to members of the local population, most often concerning cases of violation of ownership and property rights. It also continues to carry out human

rights education and training programmes, including a recent seminar for educators, in order to increase awareness in the field of human rights and to build up the capacity of local non-governmental organizations. Human rights staff members continue to give particular attention to the situation in the Gali district.

VIII. Observations

30. While the Yalta meeting and the Pitsunda seminar constituted encouraging steps in the peace process, work on the central issue of Abkhazia's future political status remains at a standstill. The mandate given to my Special Representative in Security Council resolution 1255 (1999) to put forward, together with the group of Friends, proposals for the distribution of competences between Tbilisi and Sukhumi, has not yet been implemented. This lack of progress on the status issue, if allowed to continue, could eventually jeopardize the entire peace process. The attitude of blanket rejection adopted by the Abkhaz side is short-sighted and will prove, in the long run, to be counterproductive. Progress on this matter is attainable; it requires as a first step the achievement of consensus among the group of Friends on the draft paper on the distribution of competences. I appeal to all concerned to clear the way for the start of meaningful talks aimed at defining the status of Abkhazia within the State of Georgia.

31. The Yalta meeting on confidence-building measures marked a step forward on an indispensable element of the peace process. The agreements reached are particularly timely, because the number and diversity of direct bilateral contacts in various fields has grown considerably within the last year. It is necessary that both sides undertake, with due seriousness, the implementation of the measures adopted at Yalta. The Government of Ukraine is to be congratulated for its gracious and well-organized hosting of the event.

32. The most significant result of the Yalta meeting was the renewal of the commitment of the parties to the non-use of force. Despite the ceasefire agreement in place since 14 May 1994, the two sides have continued to view each other with suspicion. It is now incumbent upon them to formulate and implement concrete, cooperative steps to provide one another with reassurances of their respective commitment to stability and peace. This commitment is to be understood to mean not only that the two sides will refrain from the use of violence, but also that they will cooperate in addressing and preventing the use of force in the zone of conflict. In this context, the flare-up of violent incidents in January 2001 and again in March and April 2001 (see paras. 17-21 above) should not be accepted as part of the natural course of things, but should be addressed head on, making full use of all available mechanisms, including the Coordinating Council.

33. The Pitsunda seminar, although not a negotiation session, did constitute a discussion of the issue of status. By allowing both sides, and expert participants, to define the topic as they chose, the seminar provided an opportunity for the views of all to be heard, and the preponderant position of the international community to be made clear. This initiative by the Council of Europe and its willingness to continue to work closely with the United Nations on this project is welcome, and both sides should make active use of this component of the overall process.

34. The Gali district remains at the centre of the Mission's peace efforts. Despite the precarious situation, and the continuing incapacity of local law enforcement organs to improve it, internally displaced persons are returning to their homes in Gali, and local residents remain there on an increasingly permanent basis. I remind the two sides that they themselves have reaffirmed the right of the refugees and internally displaced persons to a safe, secure and dignified return to their places of previous permanent residence. In this context, it is encouraging that in the Yalta statement both sides expressed their commitment to creating proper security conditions for the return. Both sides should also proceed without delay to the implementation of the recommendations in the report of the joint assessment mission to the Gali district (see S/2001/59, para. 8 and annex II), which is being finalized in consultation with the participating organizations.

35. The continuation of acts of violence in the zone of conflict is most distressing, in particular the recent detentions and hostage-takings. In addition, the continuing laying of mines which has targeted, inter alia, members of the CIS peacekeeping force must stop. I call on both sides to implement fully the obligations they have undertaken under the Protocol of 16 April 2001 (see para. 21 above), as well as under the earlier security agreements. I remind the Georgian side in particular of its commitment to take effective measures

to put a stop to the activities of illegal armed groups crossing into the Gali district from the Georgian-controlled side of the ceasefire line.

36. The ability of UNOMIG to carry out its mandate, in secure conditions, remains an issue of serious concern and, in this context, I appeal to the sides to observe in full the provisions of the Moscow Agreement. Violations of the Mission's freedom of movement and, in particular, the failure to bring to justice the perpetrators of hostage-taking incidents in which UNOMIG was targeted are not acceptable. Both sides should understand that the security of UNOMIG is their responsibility, that it is not to be taken lightly, and that the continued willingness of troop-contributing countries to support UNOMIG will depend on their belief in the commitment of the two sides to create and maintain appropriate conditions for the work of the Mission.

37. The continuing dynamism of the United Nations human rights office in Abkhazia, Georgia, is warmly welcomed. I call on both sides to be ready to support the intensification of the work of the office throughout the territory of Abkhazia, Georgia, in order to strengthen current efforts to foster the development of a society equipped with the tools necessary for long-term peace, stability and growth.

38. I commend my Special Representative, the Chief Military Observer and the civilian and military staff of UNOMIG for their dedicated efforts to promote the cause of peace, despite challenging and sometimes dangerous circumstances.

Annex

United Nations Observer Mission in Georgia: contributions as at 1 April 2001

Country	*Military observers*
Albania	1
Austria	3[a]
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	8[b]
Poland	4
Republic of Korea	3
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
United Kingdom of Great Britain and Northern Ireland	7
Uruguay	3
United States of America	2
Total	**103**

[a] Including the Deputy Chief Military Observer.
[b] Including the Chief Military Observer.

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